

<b>ADVERSARY PROCEEDING COVER SHEET</b> (Instructions on Reverse)		<b>ADVERSARY PROCEEDING NUMBER</b> (For Court Use Only)
<b>PLAINTIFFS</b> Jacalyn S. Nosek	<b>DEFENDANTS:</b> Ameriquest Mortgage Company	
<b>ATTORNEYS</b> (Firm Name, Address, and Telephone No.)  Law Office of Philip M. Stone 44 Front Street, Suite 210 Worcester, MA 01608-1752 508.755.7354 Fax: 508.752.3730	<b>ATTORNEYS</b> (If Known) Robert F. Charlton, Esq. Jeffrey K. Garfinkle, Esq. Steven A. Ablitt, Esq.	
<b>PARTY</b> (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	<b>PARTY</b> (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	
<b>CAUSE OF ACTION</b> (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUES INVOLVED) Recovery of money per <i>Decision on Remand</i> issued in Adv. Pro. No. 04-04517-JBR on March 6, 2007		
<b>NATURE OF SUIT</b> (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
<p><b>FRBP 7001(1) - Recovery of Money/Property</b></p> <p><input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property  <input type="checkbox"/> 12-Recovery of money/property - §547 preference  <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer  <input checked="" type="checkbox"/> 14-Recovery of money/property - other</p> <p><b>FRBP 7001(2) - Validity, Priority or Extent of Lien</b></p> <p><input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property</p> <p><b>FRBP 7001(3) - Approval of Sale of Property</b></p> <p><input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)</p> <p><b>FRBP 7001(4) - Objection/Revocation of Discharge</b></p> <p><input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)</p> <p><b>FRBP 7001(5) - Revocation of Confirmation</b></p> <p><input type="checkbox"/> 51-Revocation of confirmation</p> <p><b>FRBP 7001(6) - Dischargeability</b></p> <p><input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims  <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud  <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny</p>		
<p><b>FRBP 7001(6) - Dischargeability (continued)</b></p> <p><input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support  <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury  <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan  <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce/sep property settlement/decrees  <input type="checkbox"/> 65-Dischargeability - other</p> <p><b>FRBP 7001(7) - Injunctive Relief</b></p> <p><input type="checkbox"/> 71-Injunctive relief - reinstatement of stay  <input type="checkbox"/> 72-Injunctive relief - other</p> <p><b>FRBP 7001(8) Subordination of Claim or Interest</b></p> <p><input type="checkbox"/> 81-Subordination of claim or interest</p> <p><b>FRBP 7001(9) Declaratory Judgment</b></p> <p><input type="checkbox"/> 91-Declaratory judgment</p> <p><b>FRBP 7001(10) Determination of Removed Action</b></p> <p><input type="checkbox"/> 01-Determination of removed claim or cause</p> <p><b>Other</b></p> <p><input type="checkbox"/> SS-SIPA Case - 15 U.S.C. §§78aaa et.seq.  <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)</p>		
<p>(continued next column)</p> <p><input type="checkbox"/> Check if this case involves a substantive issue of state law      <input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23</p> <p><input type="checkbox"/> Check if a jury trial is demanded in complaint      Demand \$ 1,000,000.00</p> <p>Other Relief Sought</p>		

**BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES**

NAME OF DEBTOR Jacalyn S. Nosek		BANKRUPTCY CASE NO. 02-46025-JBR
DISTRICT IN WHICH CASE IS PENDING District of Massachusetts	DIVISIONAL OFFICE Western Division	NAME OF JUDGE Rosenthal, J.
<b>RELATED ADVERSARY PROCEEDING (IF ANY)</b>		
PLAINTIFF Jacalyn S. Nosek	DEFENDANT Ameriquest Mortgage Company	ADVERSARY PROCEEDING NO. 04-04517
DISTRICT IN WHICH ADVERSARY IS PENDING District of Massachusetts	DIVISIONAL OFFICE Western Division	NAME OF JUDGE Rosenthal, J.
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
 <u>/s/ Philip M. Stone, BBO #544139</u>		
DATE July 27, 2007	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Philip M. Stone	

**INSTRUCTIONS**

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 104, the Adversary Proceeding Cover Sheet, if it is required by the court. In some courts, the cover sheet is not required when the adversary proceeding is filed electronically through the court's Case Management/Electronic Case Files (CM/ECF) system. (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of the court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

**Parties.** Give the names of the parties to the adversary proceeding exactly as they appear on the complaint. Give the names and addresses of the attorneys if known.

**Signature.** This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.